

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

SHARON VIVEIROS,  
Plaintiff

v.

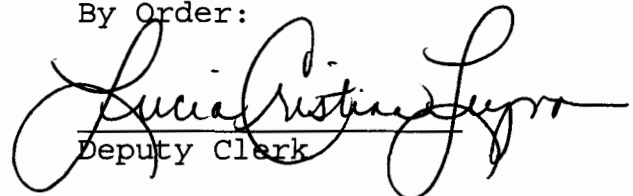
C.A. 06-419T

JO ANNE B. BARNHART,  
Commissioner of the Social  
Security Administration,  
Defendant.


ORDER DENYING MOTION TO DISMISS

The motion by Jo Anne B. Barnhart, Commissioner of the Social Security Administration, to dismiss the complaint for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction is hereby denied. For the reasons stated in open court on March 23, 2007, the Court accepts the magistrate judge's report dated December 12, 2006 but declines to accept the recommendation of the same date.

By Order:

  
Deputy Clerk

ENTER:

  
Ernest C. Torres  
Senior U.S. District Judge  
Date: 3/27/07